

#### DEPARTMENT OF THE ARMY

JACKSONVILLE DISTRICT CORPS OF ENGINEERS
PENSACOLA REGULATORY OFFICE
41 NORTH JEFFERSON STREET, SUITE 111
PENSACOLA, FLORIDA 32502

Pensacola Permits Section

9 June 2009

# **PUBLIC NOTICE**

Permit Application No. SAJ-2008-0289 (IP-SWA)

TO WHOM IT MAY CONCERN: This district has received an application for a Department of the Army permit pursuant to Section 404 of the Clean Water Act (33 U.S.C. §1344) as described below:

APPLICANT: Godwin Development Company, Inc.

711 West Garden Street Pensacola, Florida 32501

WATERWAY & LOCATION: The project is located on Muir Trail, within Section 27, Township 2 South, Range 28 West, Gulf Breeze, Santa Rosa County, Florida.

Directions to the site are as follows: From Pensacola, east on U.S. Highway 98 to Soundside Drive. South on Soundside Drive to Muir Trail. West on Muir Trail to project site.

LATITUDE & LONGITUDE: Latitude: 30° 23' 9.12" North

Longitude: 87° 2' 51.2" West

## PROJECT PURPOSE:

Basic: Transportation & Stormwater Treatment.

Overall: To construct an access road and stormwater treatment facility associated with a residential development in south Santa Rosa County.

<u>PROPOSED WORK</u>: The applicant is proposing to fill 0.62-acre of waters of the United States for the construction of a road crossing and a portion of a stormwater treatment pond. The road crossing would be used to access uplands for the development of 6 residential lots. The road crossing would contain three 30" culverts. Filter fencing and staked hay bales would be installed around the perimeter of the proposed fill prior to beginning construction and would be maintained until construction is complete.

<u>AVOIDANCE AND MINIMIZATION INFORMATION</u>: The applicant has provided the following information in support of efforts to avoid and/or minimize impacts to the aquatic environment:

The proposed impacts have been limited to 0.62-acre of a total of 10.59 acres of on-site wetlands. Additionally, the applicant will implement best management practices to avoid erosion, sedimentation and water quality degradation.

<u>COMPENSATORY MITIGATION</u>: The applicant has offered the following compensatory mitigation plan to offset unavoidable functional loss to the aquatic environment:

Mitigation to offset direct impacts would be the preservation of 9.97 acres of on-site wetlands and 2.13 acres of on-site uplands, for a total of 12.10 acres placed into a perpetual conservation easement with The Board of Trustees of The Internal Improvement Trust Fund of The State of Florida. Additionally, the mitigation area would be managed for nuisance and exotic vegetation.

EXISTING CONDITIONS: The property is a 19.94 acre parcel consisting of 10.59 acres of wetlands and 9.35 acres of uplands. The wetlands are best classified as Wetland Forested Mixed (630) using the FLUCCS system and consist of slash pine (*Pinus elliottii*), sweetbay (*Magnolia virginiana*), black titi (*Cliftonia monophylla*), bald cypress (*Taxodium distichum*) and bitter gallberry (*Ilex glabra*). The hydric soil found on the sites has a color matrix of 10YR3/1 or darker.

<u>ENDANGERED SPECIES</u>: The U.S. Army Corps of Engineers has determined the proposal would have no effect on any listed threatened or endangered species or designated critical habitat.

ESSENTIAL FISH HABITAT (EFH): This notice initiates consultation with the National Marine Fisheries Service on EFH as required by the Magnuson-Stevens Fishery Conservation and Management Act 1996. The proposal would impact approximately 0.62-acre of wetlands adjacent to and contiguous with tidal waters utilized by various life stages of black grouper, gray snapper, red drum, and penaid shrimp. Our initial determination is that the proposed action would not have a substantial adverse impact on EFH or Federally managed fisheries in the Gulf of Mexico. Our final determination relative to project impacts and the need for mitigation measures is subject to review by and coordination with the National Marine Fisheries Service.

<u>NOTE</u>: This public notice is being issued based on information furnished by the applicant. This information has not been verified or evaluated to ensure compliance with laws and regulation governing the regulatory program. The jurisdictional line has not been verified by Corps personnel.

<u>AUTHORIZATION FROM OTHER AGENCIES</u>: Water Quality Certification may be required from the Florida Department of Environmental Protection.

Comments regarding the application should be submitted in writing to the District Engineer at the above address within 15 days from the date of this notice.

If you have any questions concerning this application, you may contact Steve Andrews Jr. at the letterhead address, by electronic mail at stephen.w.andrews@usace.army.mil, or by telephone at 850-439-0707.

The decision whether to issue or deny this permit application will be based on the information received from this public notice and the evaluation of the probable impact to the associated wetlands. This is based on an analysis of the applicant's avoidance and minimization efforts for the project, as well as the compensatory mitigation proposed.

IMPACT ON NATURAL RESOURCES: Preliminary review of this application indicates that an Environmental Impact Statement will not be required. Coordination with U.S. Fish and Wildlife Service, Environmental Protection Agency (EPA), the National Marine Fisheries Services, and other Federal, State, and local agencies, environmental groups, and concerned citizens generally yields pertinent environmental information that is instrumental in determining the impact the proposed action will have on the natural resources of the area. By means of this notice, we are soliciting comments on the potential effects of the project on threatened or endangered species or their habitat

IMPACT ON CULTURAL RESOURCES: Review of the latest published version of the National Register of Historic Places indicates that no registered properties or properties listed as eligible for inclusion therein are located at the site of the proposed work. Presently, unknown archaeological, scientific, pre-historical, or historical data may be lost or destroyed by the work to be accomplished.

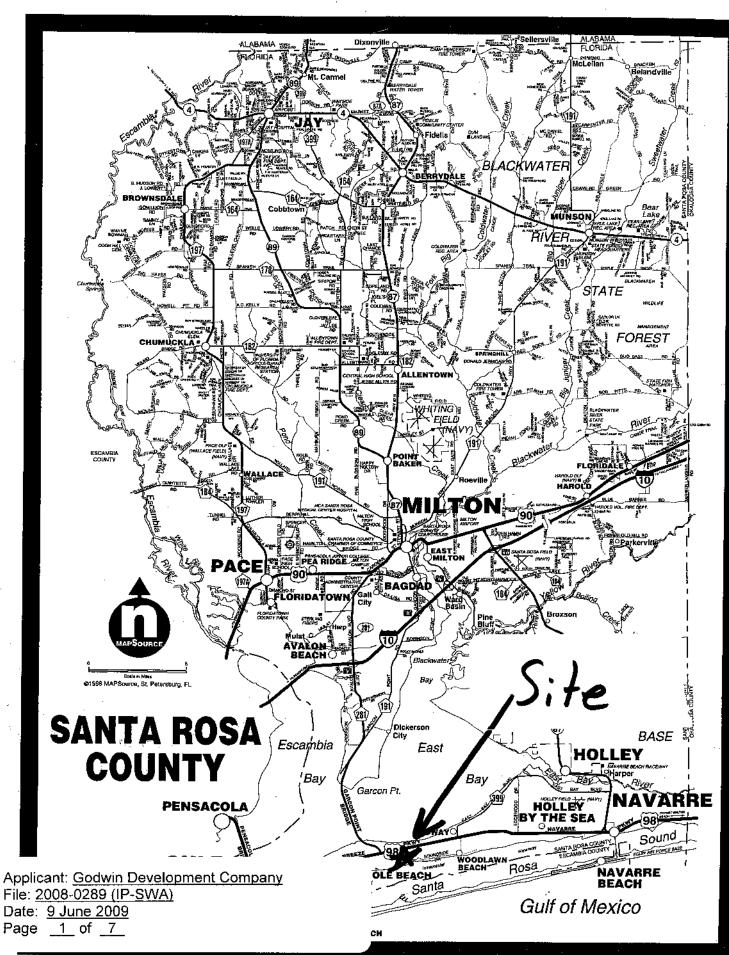
**EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of Important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable deterrents. All factors which may be relevant to the proposal will be considered including cumulative Impacts thereof; among these are conservation, economics, esthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food, and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people. Evaluation of the impact of the activity on the public Interest will also include application of the guidelines promulgated by the Administrator, EPA, under authority of Section 404(b) of the Clean Water Act of the criteria established under authority of Section

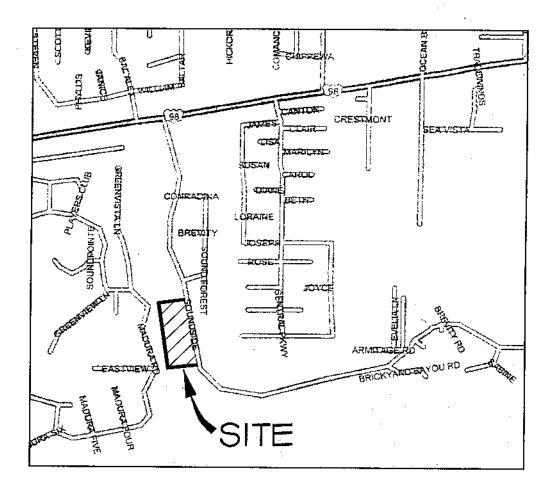
102(a) of the Marine, Protection, Research, and Sanctuaries Act of 1972. A permit will be granted unless its issuance is found to be contrary to the public interest The US Army Corps of Engineers (Corps) Is soliciting comments from the public; Federal, State, and local agencies and officials; Indian Tribes; and other Interested parties in order to consider and evaluate the 'Impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition, or deny a permit for this proposal. To make or deny this decision, comments are used to assess Impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**COASTAL ZONE MANAGEMENT CONSISTENCY**: In Florida, the State approval constitutes compliance with the approved Coastal Zone Management Plan. In Puerto Rico, a Coastal Zone Management Consistency Concurrence is required from the Puerto Rico Planning Board, In the Virgin Islands, the Department of Planning and Natural Resources permit constitutes compliance Coastal Zone Management Plan.

**REQUEST FOR PUBLIC HEARING**: Any person may request a public hearing. The request must be submitted in writing to the District Engineer within the designated comment period of the notice and must state the specific reasons for requesting the public hearing.

David S. Hobbie Regulatory Division



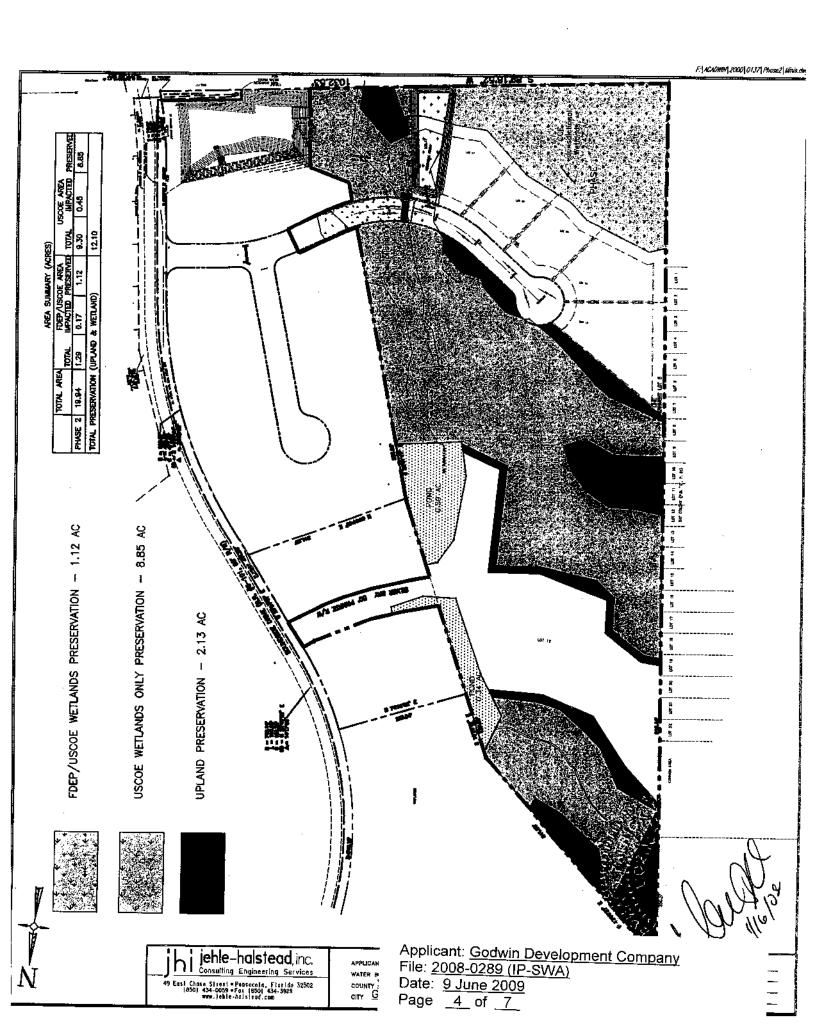


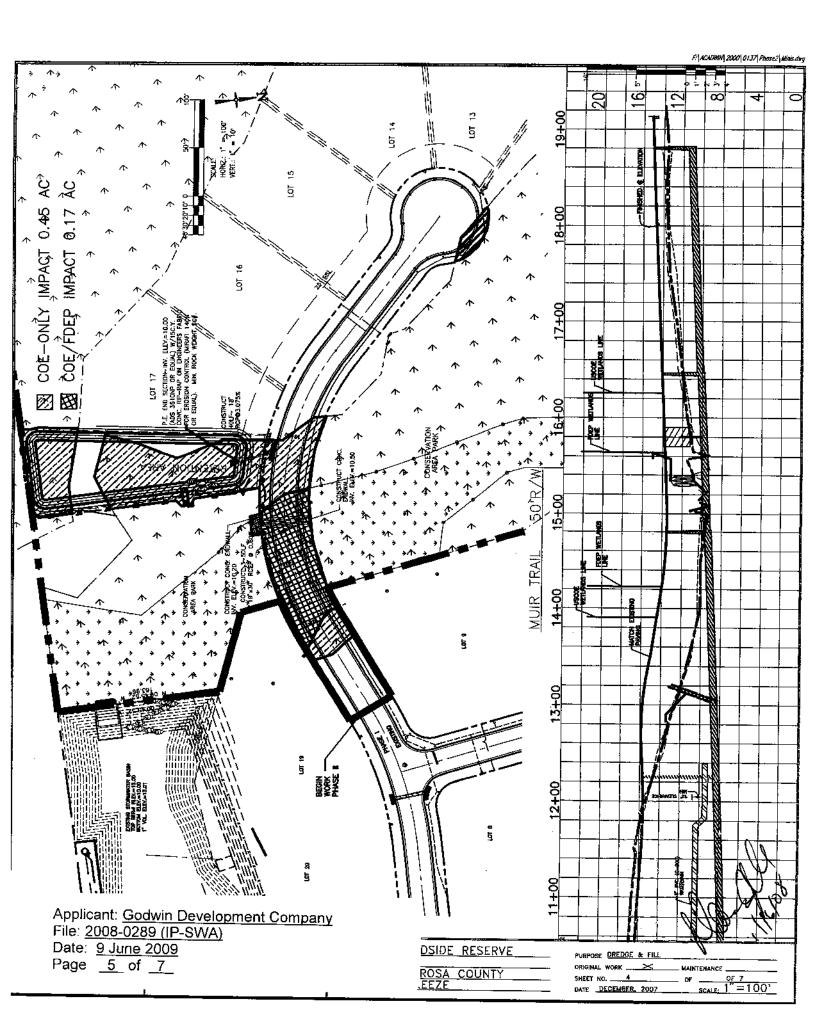
# VICINITY MAP

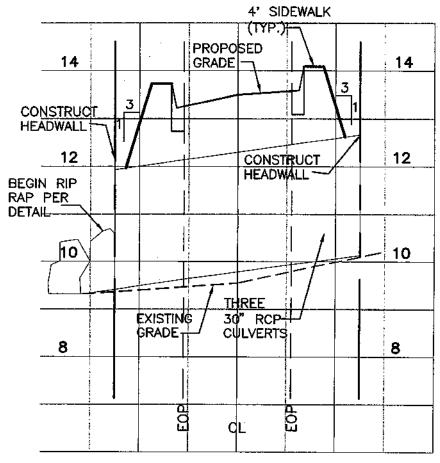


Applicant: Godwin Development Company
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DE RESERVE	PURPOSE DREDGE & FILL
SA COUNTY ZE	ORIGINAL WORK   SHEET NO.   OF  OF 7  DATE DECEMBER, 2007







MUIR TRAIL STA. 15+00 50' R/W

FINISHED CL ELEV.=13.50

SCALE:

HORIZ.: 1" = 20' VERT.: 1" = 2'

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SIDE RESERVE

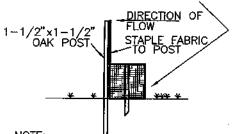
<u>)SA COUNTY</u> EZE 
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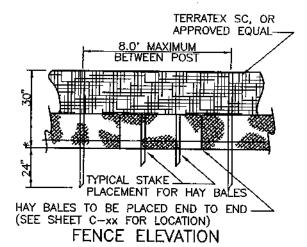
 DATE
 NOVEMBER, 2007

HAY BALES TO BE PLACED END TO END (SEE SHEET C-xx FOR LOCATION)

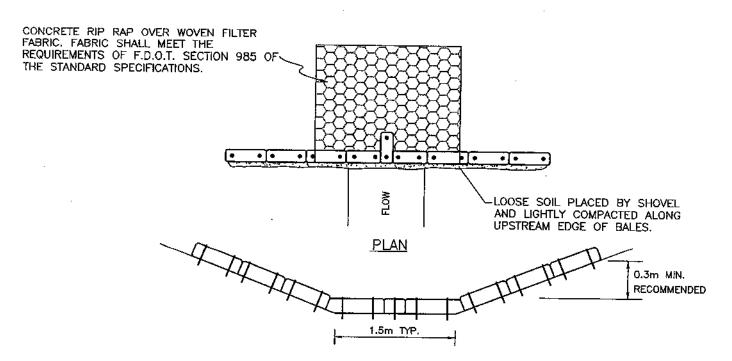


NOTE: V ANCHOR HAY BALES WITH 2"x2" STAKES - 2 PER BALE (TYP)

SECTION THROUGH FENCE



SILTATION FENCE DETAIL



ANCHOR BALES WITH 2~51mmx51mmx1.2m STAKES PER BALE

### **ELEVATION**

APPLICATIONS & SPACING: THE USE OF TYPE I & II BALE BARRIERS SHOULD BE LIMITED TO THE CONDITIONS OUTLINE IN CHART I, SHEET 1 OF 3, INDEX NO. 102 (F.D.O.T.)

BMP's & Erosion Control at Culvert Cross

Applicant:	Godwin	Development Company
Applicant.	COUVILL	Developing it Company

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SIDE	RESERVE
)SA	COUNTY

DATE NOVEMBER, 2007